

# Emergency Detentions

## 409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place a person in custody under emergency detention (Wis. Stat. § 51.15).

## 409.2 POLICY

It is the policy of the Beloit Police Department to protect the public and individuals through legal and appropriate use of the emergency detention process.

## 409.3 AUTHORITY

An officer may initiate an emergency detention when the officer has reasonable cause to believe that a person is mentally ill, drug dependent or developmentally disabled and such person presents a substantial probability of physical harm to him/herself or others as evidenced by recent overt acts or omissions, attempts or threats. The person shall be transported to an approved detention facility, but only when taking the person into custody is the least restrictive alternative appropriate to the person's needs (Wis. Stat. § 51.15).

Officers should contact the Rock County Department of Human Services (RCDHS), Crisis Intervention Services (CIS) for initial evaluation and direction as to where the emergency detention detainee should be transported. If the person will be held by an approved detention facility, medical clearance may be required prior to transport.

### 409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for emergency detention, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. Subject to the evaluation and direction of RCDHS-CIS, the officers should:

- (a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to emergency detention.
- (b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the emergency detention, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

## 409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for an emergency detention should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.

## *Emergency Detentions*

---

- (d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Emergency detentions should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

### **409.5 TRANSPORTATION**

When transporting any individual for an emergency detention, the transporting officer should notify the Communications Center of departure and arrival time, as well as ensure that Crisis Intervention Services notifies the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy (302). In-county transports may be made by one officer. Out-of-county transports shall have two officers and may be a mix of a Beloit Police Officer and another law enforcement agency officer. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Commander approval is required before transport commences.

### **409.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntarily treatment, the officer should ensure the staff member received the written application for emergency detention that is sent by RCDHS-CIS and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints

### **409.7 DOCUMENTATION**

The officer shall complete an Emergency Detention Form (51.15 Statement of Emergency Detention), ensure a copy has been provided to the facility staff member assigned to that patient and retain the original petition for judicial review and inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

## *Emergency Detentions*

---

### **409.7.1 PROBABLE CAUSE STATEMENT**

The petition shall include the circumstances under which the individual's condition was called to the attention of the officer. It must contain an allegation of probable cause statement of the officer's belief that the individual, because of mental illness, disability or dependency, is likely to harm him/herself or others or is unable to care for him/herself. If the probable cause is based on the statement of a person other than the officer, this detail shall be included along with the person's identifying information (Wis. Stat. § 51.15(4); Wis. Stat. § 51.15(5)).

### **409.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on an emergency detention should consult with the shift commander for guidance as to the resolution of the criminal matter, to include considering whether issuing a future court date, warning or a citation is appropriate.

When an individual who may qualify for an emergency detention has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the shift commander of the facts supporting the arrest and the facts that would support the emergency detention.
- (c) Facilitate the individual's transfer to jail.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for an emergency detention.

Subject to the shift commander's judgment, the individual may instead be arrested, booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of the Department to regain custody of the individual, department resources (posting a guard) and other relevant factors in making this decision.

### **409.9 FIREARMS AND OTHER WEAPONS**

Whenever a person is taken into custody for an emergency detention, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officer should further advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody.

## *Emergency Detentions*

---

### **409.10 TRAINING**

This department will provide department-approved training on interaction with mentally disabled persons, emergency detentions and crisis intervention as needed.

The department shall designate at least one officer to attend any in-service training on emergency detention and emergency protective placement procedures that is offered by the county department of community programs (Wis. Stat. § 51.15(11m)).